

# Exhibit DD

## Response To Office Action for Post-Registration Matters

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87755108
REGISTRATION NUMBER	5620625
RESPONSE TYPE	Response to Office Action for Declaration of Use and/or Excusable Nonuse of a Mark under Section 8.
<b>MARK SECTION</b>	
MARK	<a href="#">mark</a>
LITERAL ELEMENT	IMPOSSIBLE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
ORIGINAL PDF FILE	<a href="#">evi_991648775-20241204141_922961110_._Response_to_Office_Action_Reg_No._5620625.pdf</a>
CONVERTED PDF FILE(S) (2 pages)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\877\551\87755108\xml4\ TRS0002.jpg</a>
	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\877\551\87755108\xml4\ TRS0003.jpg</a>
DESCRIPTION OF EVIDENCE FILE	Argument in support of acceptance of original specimen of use
<b>GOODS AND/OR SERVICES SECTION (005) (no change)</b>	
INTERNATIONAL CLASS	005
IDENTIFICATION	Nutritional supplements
<b>GOODS AND/OR SERVICES SECTION (025) (current)</b>	
INTERNATIONAL CLASS	025
IDENTIFICATION	Clothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights and underwear
<b>GOODS AND/OR SERVICES SECTION (025) (proposed)</b>	
INTERNATIONAL CLASS	025
TRACKED TEXT IDENTIFICATION	Clothing and performance apparel, namely, t-shirts <u>and</u> <del>sweatshirts, pants, shorts, tank tops, yoga pants, tights and underwear</del>
MODIFIED IDENTIFICATION	Clothing and performance apparel, namely, t-shirts and tank tops
SPECIMEN FILE NAME(S)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\877\551\87755108\xml4 \ TRS0004.jpg</a>
	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\877\551\87755108\xml4 \ TRS0005.jpg</a>

SPECIMEN DESCRIPTION	screenshots of the mark in use on, and at the point of sales, of t-shirts and tank tops
WEBPAGE URL	amazon.com/IMPOSSIBLE-Shirt-L-Blue/dp/B07NKD4HV9?ref_ast_sto_dp&th=1&psc=1
WEBPAGE DATE OF ACCESS	12/04/2024
WEBPAGE URL	impossible.co/products/impossible-muscle-tank
WEBPAGE DATE OF ACCESS	10/29/2024
<b>GOODS AND/OR SERVICES SECTION (035) (no change)</b>	
INTERNATIONAL CLASS	035
IDENTIFICATION	
Search engine optimization for promotion and marketing services; marketing consulting in the field of social media	
<b>GOODS AND/OR SERVICES SECTION (041) (no change)</b>	
INTERNATIONAL CLASS	041
IDENTIFICATION	
Providing a website featuring information in the field of personal fitness, endurance athletics, storytelling, and adventure activities, namely, bungee jumping, skydiving, trekking, mountaineering, surfing, and kite surfing	
STATEMENT FOR PROPOSED GOODS/SERVICES	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce during the relevant period for filing the current declaration of use" OR "The attached specimen is a true copy of the specimen that was originally submitted with the declaration of use" [for an illegible specimen].
<b>PROOF OF USE SUBMISSIONS</b>	
CLASS 005	Nutritional supplements
PROOF OF USE INFO	No proof of use required.
CLASS 025	Clothing and performance apparel, namely, t-shirts and tank tops
PROOF OF USE INFO	Proof of use provided.
<b>PROOF OF USE INFORMATION</b>	
AUDITED GOODS AND/OR SERVICES	Clothing and performance apparel, namely, tank tops
DESCRIPTION	screenshot showing tank tops bearing the subject mark, for sale on a website bearing the subject mark
FILE NAME(S)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\877\551\87755108\xml4 \ TRS0006.jpg</a>
STATEMENT	The owner/holder was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use, during the relevant period for filing the current declaration of use.
CLASS 035	Search engine optimization for promotion and marketing services; marketing consulting in the field of social media
PROOF OF USE INFO	Proof of use provided.
<b>PROOF OF USE INFORMATION(1st submission)</b>	
AUDITED GOODS AND/OR SERVICES	Search engine optimization for promotion and marketing services
DESCRIPTION	screenshot showing the subject mark in use on a website promoting Registrant's search engine optimization services
FILE NAME(S)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\877\551\87755108\xml4 \ TRS0007.jpg</a>

PROOF OF USE INFORMATION(2nd submission)	
AUDITED GOODS AND/OR SERVICES	Marketing consulting in the field of social media
DESCRIPTION	screenshot showing the subject mark in use on a website promoting Registrant's marketing consulting services
FILE NAME(S)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\877\551\87755108\xml4 \ TRS0008.jpg</a>
STATEMENT	The owner/holder was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use, during the relevant period for filing the current declaration of use.
CLASS 041	Providing a website featuring information in the field of personal fitness, endurance athletics, storytelling, and adventure activities, namely, bungee jumping, skydiving, trekking, mountaineering, surfing, and kite surfing
PROOF OF USE INFO	Proof of use provided.
PROOF OF USE INFORMATION(1st submission)	
AUDITED GOODS AND/OR SERVICES	Providing a website featuring information in the field of adventure activities, namely, skydiving
DESCRIPTION	screenshot showing the subject mark in use for providing a website with information in the field of skydiving
FILE NAME(S)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\877\551\87755108\xml4 \ TRS0009.jpg</a>
PROOF OF USE INFORMATION(2nd submission)	
AUDITED GOODS AND/OR SERVICES	Providing a website featuring information in the field of adventure activities, namely, kite surfing
DESCRIPTION	screenshot showing the subject mark in use for providing a website with information in the field of kite surfing
FILE NAME(S)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT 18\877\551\87755108\xml4 \ TRS0010.jpg</a>
STATEMENT	The owner/holder was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use, during the relevant period for filing the current declaration of use.
CORRESPONDENCE INFORMATION	
NAME	David E. Weslow
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	dweslow@wiley.law
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	tmdocket@wiley.law; akosak@wiley.law
DOCKET/REFERENCE NUMBER	87252.0014
PAYMENT SECTION	
Deleting goods and/or services, and/or classes after submission and prior to acceptance of a section 8 affidavit, per class	250
NUMBER OF CLASSES	1
TOTAL FEES DUE	250
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Joel Runyon/
SIGNATORY'S NAME	Joel Runyon
SIGNATORY'S POSITION	Manager

SIGNATORY'S PHONE NUMBER	2027197000
DATE SIGNED	12/04/2024
SIGNATURE METHOD	Sent to third party for signature
RESPONSE SIGNATURE	/David E. Weslow/
SIGNATORY'S NAME	David E. Weslow
SIGNATORY'S POSITION	Attorney of Record, DC Bar member
SIGNATORY'S PHONE NUMBER	2027197000
DATE SIGNED	12/04/2024
ROLE OF AUTHORIZED SIGNATORY	
SIGNATURE METHOD	Signed directly within the form
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Wed Dec 04 17:38:16 ET 2024
TEAS STAMP	USPTO/TRS-XX.XXX.XX.XX-20 241204173817392313-562062 5-850f291e9c2f74fb7fc1858 a7d4e06d2a42f2c7b2956b885 c672ceb9d247f70-DA-381676 14-20241204141922961110

## Response To Office Action for Post-Registration Matters

### To the Commissioner for Trademarks:

Registration no. **5620625** IMPOSSIBLE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87755108/large>) has been amended as follows:

**RESPONSE TYPE** Response to Office Action for Declaration of Use and/or Excusable Nonuse of a Mark under Section 8.

#### EVIDENCE

Evidence has been attached: Argument in support of acceptance of original specimen of use

#### Original PDF file:

[evi\\_991648775-20241204141922961110\\_.Response\\_to\\_Office\\_Action\\_Reg\\_No.\\_5620625.pdf](#)

**Converted PDF file(s)** ( 2 pages) [Evidence-1](#)[Evidence-2](#)

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Current:** class 005 (No Change)

**The owner/holder proposes to amend the following:**

**Current:** Class 025

Clothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights and underwear

**Proposed:** Class 025

#### Tracked Text Identification:

Clothing and performance apparel, namely, t-shirts and, ~~sweatshirts, pants, shorts,~~ tank tops, ~~yoga pants, tights and underwear~~

### Modified Identification:

Clothing and performance apparel, namely, t-shirts and tank tops

The owner/holder hereby submits one(or more) specimen(s) for Class 025. The specimen(s) submitted consists of screenshots of the mark in use on, and at the point of sales, of t-shirts and tank tops. .

[Specimen File1](#)

[Specimen File2](#)

Webpage URL: amazon.com/IMPOSSIBLE-Shirt-L-Blue/dp/B07NKD4HV9?ref\_=ast\_sto\_dp&th=1&psc=1

Webpage Date of Access: 12/04/2024

Webpage URL: impossible.co/products/impossible-muscle-tank

Webpage Date of Access: 10/29/2024

**Current:** class 035 (No Change)

**Current:** class 041 (No Change)

**Statement for proposed goods/services:** "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce during the relevant period for filing the current declaration of use" OR "The attached specimen is a true copy of the specimen that was originally submitted with the declaration of use" [for an illegible specimen].

### PROOF OF USE SUBMISSIONS

**Class 005:** Nutritional supplements

**Proof of Use Information:** No proof of use required.

**Class 025:** Clothing and performance apparel, namely, t-shirts and tank tops

**Proof of Use Information:** Proof of use provided.

### PROOF OF USE INFORMATION

**Audited Goods and/or Services:** Clothing and performance apparel, namely, tank tops

**Description:** screenshot showing tank tops bearing the subject mark, for sale on a website bearing the subject mark\_

[Proof of Use File-1](#)

The owner/holder was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use, during the relevant period for filing the current declaration of use.

**Class 035:** Search engine optimization for promotion and marketing services; marketing consulting in the field of social media

**Proof of Use Information:** Proof of use provided.

### PROOF OF USE INFORMATION(1st submission)

**Audited Goods and/or Services:** Search engine optimization for promotion and marketing services

**Description:** screenshot showing the subject mark in use on a website promoting Registrant's search engine optimization services\_

[Proof of Use File-1](#)

### PROOF OF USE INFORMATION(2nd submission)

**Audited Goods and/or Services:** Marketing consulting in the field of social media

**Description:** screenshot showing the subject mark in use on a website promoting Registrant's marketing consulting services\_

[Proof of Use File-1](#)

The owner/holder was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use, during the relevant period for filing the current declaration of use.

**Class 041:** Providing a website featuring information in the field of personal fitness, endurance athletics, storytelling, and adventure activities, namely, bungee jumping, skydiving, trekking, mountaineering, surfing, and kite surfing

**Proof of Use Information:** Proof of use provided.

**PROOF OF USE INFORMATION(1st submission)**

**Audited Goods and/or Services:** Providing a website featuring information in the field of adventure activities, namely, skydiving

**Description:** screenshot showing the subject mark in use for providing a website with information in the field of skydiving\_

[Proof of Use File-1](#)

**PROOF OF USE INFORMATION(2nd submission)**

**Audited Goods and/or Services:** Providing a website featuring information in the field of adventure activities, namely, kite surfing

**Description:** screenshot showing the subject mark in use for providing a website with information in the field of kite surfing\_

[Proof of Use File-1](#)

The owner/holder was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use, during the relevant period for filing the current declaration of use.

**Correspondence Information**

David E. Weslow

PRIMARY EMAIL FOR CORRESPONDENCE: dweslow@wiley.law

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tmdocket@wiley.law; akosak@wiley.law

The docket/reference number is 87252.0014.

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

**FEE(S)**

Fee(s) in the amount of \$250 is being submitted.

**Declaration**

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission and the registration, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**SIGNATURE(S)**

Signature: /Joel Runyon/ Date: 12/04/2024

Signatory's Name: Joel Runyon

Signatory's Position: Manager

Signatory's Phone Number: 2027197000

Signature method: Sent to third party for signature

Signature: /David E. Weslow/ Date: 12/04/2024

Signatory's Name: David E. Weslow

Signatory's Position: Attorney of Record, DC Bar member

Signatory's Phone Number: 2027197000 Signature method: Signed directly within the form

Mailing Address: David E. Weslow

WILEY REIN LLP

2050 M STREET, NW

WASHINGTON, District of Columbia 20036

Mailing Address: David E. Weslow

WILEY REIN LLP

2050 M STREET, NW  
WASHINGTON, District of Columbia 20036

PAYMENT: 5620625  
PAYMENT DATE: 12/04/2024

Serial Number: 87755108  
Internet Transmission Date: Wed Dec 04 17:38:16 ET 2024  
TEAS Stamp: USPTO/TRS-XX.XXX.XX.XX-20241204173817392  
313-5620625-850f291e9c2f74fb7fc1858a7d4e  
06d2a42f2c7b2956b885c672ceb9d247f70-DA-3  
8167614-20241204141922961110

Sir or Madam:

In response to the Office Action issued February 3, 2024 directed to Reg. No. 5620625, to which a response is due by or before December 4, 2024, Registrant submits the following remarks:

#### **I. SPECIMEN DEFICIENCY AS TO IC 035**

The Examining Attorney found that the submitted specimen as to Class 035 “Search engine optimization for promotion and marketing services; marketing consulting in the field of social media” was deficient, based on a perception that the identified services were not being offered “for the benefit of others.”

Registrant respectfully submits that the originally submitted specimen does, in fact, show use of the mark on promotional materials for services offered for the benefit of others. The specimen, a screenshot of Registrant’s website that bears the subject mark prominently at the top of the page, states that Registrant “help[s] startups scale their business through the use of SEO, SEM and content marketing strategy.” The specimen goes on to identify several third party businesses for which it has provided these services, including SpotHero, Woven, LM, and Simple Energy. While Registrant also performs the identified services for itself, the specimen indicates those internal services separately, after discussing the services it provides to the third parties—thus confirming that Registrant performs the services for itself and third parties separately, and they are therefore not offered solely for its own benefit.

With this additional explanation, Registrant respectfully requests that the original specimen be accepted as its Class 035 services.

#### **II. AUDIT RESPONSE**

The Examining Attorney further indicated that Reg. No. 5620625 had been randomly selected for audit, and required evidence of current use of the subject mark with numerous goods and services identified in the registration. As part of this response, Registrant has submitted specimens showing current use of the mark with the audited services in Classes 35 and 41. As to Class 25, Registrant has amended its description of goods, and provided proof of current use of the two remaining goods in that class (t-shirts and tank tops).

#### **III. CONCLUSION**

Registrant believes it has fully addressed the concerns raised in the February 3, 2024 Office Action. Registrant respectfully requests that its maintenance filings be accepted, and Reg. No. 5620625 be renewed.

If any further questions remain, Registrant respectfully requests that the Examining Attorney contact the undersigned via telephone or email.

Respectfully submitted,

Impossible, LLC

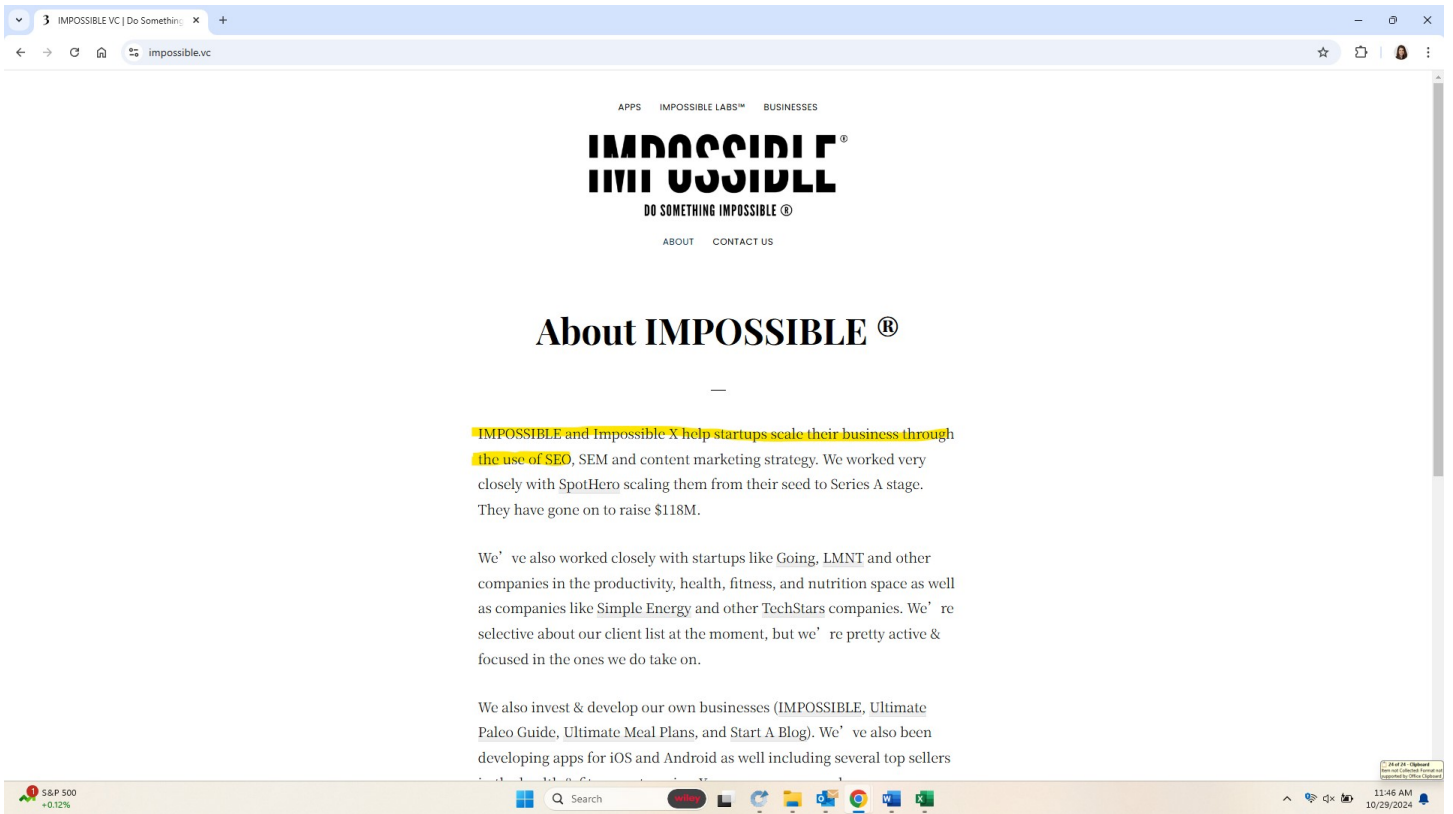
By:

David E. Weslow  
Wiley Rein LLP  
2050 M Street, N.W.  
Washington, DC 20036  
202.719.7525  
202.719.7049  
dweslow@wiley.law











# About IMPOSSIBLE®

IMPOSSIBLE and Impossible X help startups scale their business through the use of SEO, SEM and content marketing strategy. We worked very closely with SpotHero scaling them from their seed to Series A stage. They have gone on to raise \$118M.

We've also worked closely with startups like Going, LMNT and other companies in the productivity, health, fitness, and nutrition space as well as companies like Simple Energy and other TechStars companies. We're selective about our client list at the moment, but we're pretty active & focused in the ones we do take on.

We also invest & develop our own businesses (IMPOSSIBLE, Ultimate Paleo Guide, Ultimate Meal Plans, and Start A Blog). We've also been developing apps for iOS and Android as well including several top sellers

How to Sky Dive | IMPOSSIBLE

impossiblehq.com/how-to-sky-dive/

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You are here: Home / How to Sky Dive

## How to Sky Dive

November 5, 2024 by [mrimpossible](#)

Skydiving is a starting aerial sport that many people use as the doorway into other extreme aerial sports like BASE jumping, paragliding, speed flying, Ski base and other spills.

Skydiving is a good starting point as you are usually jumping from 13,000 ft or higher and have quite a bit of time to react and recover if any gear malfunctions. You combine the thrill of freewill with the fun and swoops of floating under the parachute once you pull.

If you're considering taking the leap and adding skydiving to your impossible list, here's a comprehensive guide to help you get started in this adrenaline-pumping activity.

Note: this is an informational article on how to find out more information about skydiving and does not replace in-person instruction from certified instructors.

### Understanding the Basics

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[Understanding the Basics](#)  
[Getting USPA Certification](#)  
[Health and Safety:](#)  
[Preparing For Your First Jump](#)  
[Post-Jump](#)  
[Continuous Improvement](#)



### GET THE SHIRT

Hi, I'm Joel Runyon



I created IMPOSSIBLE to help people push their limits by taking on impossible challenges and living a good story.

[Follow @joelrunyon](#)

My I recently finished running 7 ultra marathons on 7 continents and raised nearly \$200k for Pencils of Promise. [Read more about my story here.](#)

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# IMPOSSIBLE

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You are here: Home / How to Kite Surf

## How to Kite Surf

November 5, 2024 by [mrimpossible](#)

Kitesurfing is one of the best sports in the world. It combines the thrill of surfing with the parachute skills of paragliding – all on demand – the only requirement is wind.

It's one of the most fun things you can add to your impossible list – if you're thinking about adding it to the lineup – here's how you can get started.

### Learn the Basics

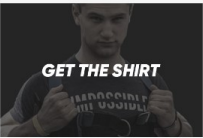
TABLE OF CONTENTS

- Learn the Basics
- Kitesurfing Equipment
- Training
- Location, Location, Location
- Techniques to Learn
- Leveling Up

Before you even touch the water, it's crucial to understand the fundamentals. You can usually take a class at any place that has good wind. Note that most courses are 2-3 days long. The first day is spent almost entirely on land with a "training kite" – so if you don't have 3 full days to learn, you may walk away disappointed.

Through the lessons, you'll cover a few important topics including:

Wind Awareness: Kitesurfing is all about harnessing wind power. You'll learn to read wind



Hi, I'm Joel Runyon



I created IMPOSSIBLE to help people push their limits by taking on impossible challenges and living a good story.

Follow @joelrunyon

My I recently finished running 7 ultra marathons on 7 continents and raised nearly \$200k for Pencils of Promise. Read more about my story here.

Subscribe & Listen To The Podcast

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Monday, December 16, 2024 08:14:33 EST  
**To:** XXXX  
**Subject:** Official USPTO Notification: U.S. Trademark Registration No. 5620625 -- Docket/Reference No. 87252.0014

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**U.S. Serial Number:** 87755108  
**U.S. Registration Number:** 5620625  
**U.S. Registration Date:** December 04, 2018  
**Mark:** IMPOSSIBLE  
**Owner:** IMPOSSIBLE LLC

December 16, 2024

## NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

**The registration will remain in force for the class(es) listed below, unless canceled by an order of the Commissioner for Trademarks or a Federal Court, as long as the requirements for maintaining the registration are fulfilled as they become due.**

**Class(es):**  
005, 025, 035, 041

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

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## REQUIREMENTS FOR MAINTAINING REGISTRATION

**WARNING: Your registration will be canceled if you do not file the documents below during the specified statutory time periods.**

### Requirements in the First Ten Years

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

### Requirements in Successive Ten-Year Periods

**What and When to File:** You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

### Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*THE USPTO IS NOT REQUIRED TO SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE OWNER SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To check the status of this registration, go to [https://tsdr.uspto.gov/#caseNumber=87755108&caseSearchType=US\\_APPLICATION&caseType=SERIAL\\_NO&searchType=statusSearch](https://tsdr.uspto.gov/#caseNumber=87755108&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199.

To view this notice and other documents for this registration on-line, go to [https://tsdr.uspto.gov/#caseNumber=87755108&caseSearchType=US\\_APPLICATION&caseType=SERIAL\\_NO&searchType=documentSearch](https://tsdr.uspto.gov/#caseNumber=87755108&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=documentSearch) NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

\* For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <https://www.uspto.gov/trademark/> or contact the Trademark Assistance Center at 1-800-786-9199.